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NOTIFICATION.

Notification No. F. 26 (1)|52-C dated the 10th March 1952, issued by the Ministry of Law, Government of India and published in the Gazette of India Extraordinary Part II—Section 3, dated the 10th March 1952 is republished for general information.

Government Secretariat,
Law Department, Election Section,

Trivandrum,
19th March 1952.

By order of His Highness
the Raj Pramukh,

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

Ministry of Law.

NOTIFICATION.

New Delhi, the 10th March 1952.

S. R. O. No. F. 26 (1)|52-C.—In exercise of the powers conferred by Section 169 of the Representation of the People Act, 1951 (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby directs that the following

further amendmants shall be made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely:—

I. For Rule 91 of the said Rules the following Rule shall be substituted, namely:—

"91. *Definitions.*—In this Chapter—

(1) the expression "continuing candidate" means any candidate not elected and not excluded from the poll at any given time;

(2) the expression "first preference" means the figure 1, the expression "second preference" means the figure 2, and the expression "third preference" means the figure 3, set opposite the name of any candidate, and so on;

(3) the expression "unexhausted paper" means a ballot paper on which a further preference is recorded for a continuing candidate;

(4) the expression "exhausted paper" means a ballot paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to be exhausted in any case in which—

(a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or

(b) the name of the candidate next in order of preference, whether continuing or not, is marked by a figure not following consecutively after some other figure on the ballot paper or by two or more figures;

(5) the expression "original vote" in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for such candidate;

(6) the expression "transferred vote" in regard to any candidate means a vote, the value or part of the value of which is credited to such candidate and which is derived from a ballot paper on which a second or subsequent preference is recorded for such candidate;

(7) the expression "surplus" means the number of which the value of the votes of any candidate, original and transferred, exceeds the quota."

II. For Rules 90 to 102 of the said Rules, the following Rules shall be substituted, namely:—

"96. *Counting of votes.*—(1) The Returning Officer shall then count the number of papers in each parcel and credit the candidate concerned with the value of those papers. He shall also ascertain and record the total number of valid papers.

(2) For the purpose of facilitating the processes prescribed in Rules 97 to 102, each valid ballot paper shall be deemed to be of the value of one hundred.

(3) In carrying out the provisions of Rules 97 to 102, the Returning Officer, shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

97. *Ascertainment of quota:*—The Returning Officer shall add together the values of the papers in all the parcels and divide the total by a number exceeding by one the number of vacancies to be filled. The quotient so obtained increased by one shall be the number sufficient to secure the return of a candidate, hereinafter called "the quota."

98. *Candidates with quota elected:*—If at any time the value of ballot papers credited to a candidate is equal to, or greater than, the quota, that candidate shall be declared elected.

99. *Transfer of surplus.*—(1) If at any time the value of the ballot papers credited to a candidate is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers of that candidate as being next in order of the electors preference in accordance with the provisions of this Rule.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

Provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count and so on.

(3) If, when there is more than one surplus to distribute, two or more surpluses are equal, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall have his surplus first distributed. If the values of their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon and make a separate sub-parcel of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-parcel, and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted papers, and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of exhausted papers.

(5) If the surplus of any candidate to ba transferred arises from transferred as well as from original votes, the Returning Officer shall re-examine all the papers in the sub-parcel last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcels in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this Rule shall be set apart as finally dealt with.

100. *Exclusion of candidates lowest on the poll.* (1) If after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the Returning Officer shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon. Any exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer.

(5) The process directed by this Rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as hereinafter provided.

(6) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall be first excluded. If the values of their original votes are equal, the Returning Officer shall decide by lot which candidate shall be first excluded.

101. *Transfer when discontinued.*—If, as the result of the transfer of papers, the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed but no further papers shall be transferred to him.

102. *Filling the last vacancies.*—(1) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.

(2) When only one vacancy remains unfilled and the value of papers of some one continuing candidate exceeds the total value of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(3) When only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, one of them shall be excluded in accordance with the provisions of sub-rule (6) of Rule 100, and the other candidate declared elected."

III. For Schedule III to the said Rules, the following Schedule shall be substituted, namely:—

SCHEDULE III.

[RULE 104]

Illustration of the procedure as to the counting of votes at, and the declaration of the result of, an election conducted on the system of the single transferable vote in accordance with the provisions of Chapter VI of Part II.

Assume that there are seven members to be elected, sixteen candidates, and one hundred and forty electors.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted.

Let it be assumed that the result is as follows:—

A	..	..	..	12
B	..	..	..	8
C	..	..	..	6
D	..	..	..	9
E	..	..	..	10
F	..	..	..	7
G	..	..	..	4
H	..	..	..	19
I	..	..	..	13
J	..	..	..	5
K	..	..	..	14
L	..	..	..	8
M	..	..	..	10
N	..	..	..	6
O	..	..	..	4
P	..	..	..	5
			Total	140

Each valid ballot paper is deemed to be of the value of one hundred and the values of the votes obtained by the respective candidates as shown in the first column of the result sheet.

The values of all the papers are added together and the total 14,000 is divided by eight (*i. e.* the number which exceeds by one the number of vacancies to be filled) and 1,751 (*i. e.*, the quotient 1,750 increased by one) is the number sufficient to secure the return of a member and is called the quota.

The operation may be shown thus:—

$$\text{Quota} = \frac{14{,}000}{8} + 1 = 1{,}750 + 1 = 1{,}751.$$

The candidate H, the value of whose votes exceeds the quota, is declared elected.

As the value of the papers in H's parcel exceeds the quota, his surplus must be transferred. His surplus is 149 (*i. e.*, 1,900 less 1,751).

The surplus arises from original votes, and therefore the whole of H's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made. Let it be assumed that the result is as follows:-

		Papers.
B is marked as next availabla preference on		7
D Ditto	ditto	4
E Ditto	ditto	4
F Ditto	ditto	3
Total of unexbausted papers.		18
No. of exhausted papers.		1
Total of papers.		19

The values of the papers in the sub-parcels are as follows:-

B	700
D	400
E	400
F	300
Total value of unexhuasted papers	1,800
Value of exhausted papers.	100
Total value.	1,900

The value of the unexhausted papers is 1,800 and is greater than the surplus. This surplus is, therefore, transferred as follows:—All the unexhausted papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect of fractions, equals the surplus. In this case the new value of each paper transferred is

$$\frac{149 \text{ (the surplus)}}{18 \text{ (the number of uuexhausted papers)}} = 8,$$ the residue

of the value of each paper, (100—8=92), heing required hy H for the purpose of constituting his quota, *i. e.*, one exhausted paper. (value 100) plus the value (1,656) of 18 unexhausted papers.

These values of the sub-parcels transferred are:—

B=56 (*i. e.*, seven papers at the value of 8)

D=32 (*i. e.*, four papers at the value of 8)

E=32 (*i. e.*, four papers at the value of 8)

F=24 (i. e., three papers at the value of 8)

These operations can he shown on a transfer sheet as follows:-

TRANSFER SHEET.

Value of surplus (H's) to be transferred ..	149
Numher of papers in H's parcel	19
Value of each paper in parcel	100
Number of unexhausted papers	18
Value of unexhausted papers	1800

New value of each paper transferred =

$$\frac{\text{Surplus}}{\text{Number of exhausted papers}} = \frac{149}{18} = 8$$

Names of candidates marked as the next available preferenee.	*Number of papers to be transferred.*	*Value of sub-parcel to be transferred*
B	7	56
D	4	32
E	4	32
F	3	24
Total	18	144
Number of exhausted papers	1	..
Loss of value owing to neglect of fractions	..	5
Total	19	149

The values of the suh-parcels are added to the values of the votes already credited to the candidates B, D, E and F. This operation is shown on the result sheet.

There being no further surplus, the candidate lowest on the poll has now to be excluded. G and O both have 400.

The Returning Officer casts lots and G is chosen to be excluded.

Being original votes, G's papers are transferred at the value of 100 each. A who was marked as next preference on two papers receives 200, while D and E were each next preference on one paper and receive 100 each. O now being lowest is next excluded and his 400 is similarly transferred to I, B and K, I receiving 200 and B and K 100 each.

This leaves J and P lowest with 500 each and J is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, B, D and I, the three first named receiving 100 each, and I who had the next preference on two papers receiving 200. P is then excluded and his papers are transferred to E, L and K. the two first named receiving 100 each, and K, who had the next preference on three papers, receiving 300.

K now exceeds the quota and is declared elected.

Prior to further exclusion, K's surplus of 49 has to be distributed.

The sub-parcel last transferred to K consisted of 3 votes transferred at the value of 100 each. This sub-parcel is examined; there are no exhausted papers and B, F and I are each next preference on one paper, and one paper is transferred to each of them at a reduced value determined by dividing the surplus (49) by the number of unexhausted papers (3). B, F and I accordingly receive 16 each.

The process of exclusion is now proceeded with.

C and N have 600 each, and C is chosen by lot for exclusion first. He has 6 original votes; B, D and E are each next preference on two papers, and each receive 200. N is then excluded; A is next preference on 3 of his papers, and receives 300; F, I and L are each next preference on one paper and receive 100 each.

This brings A and I above the quota and they are declared elected. Their surpluses have now to be distributed and I's surplus which is the larger, 65, is dealt with first.

The last sub-parcel transferred to I consisted of one paper transferred at the value of 100, D is next preference on this paper, and receives the whole surplus of 65.

A's surplus of 49 is then dealt with. The last sub-parcel transferred to him consisted of 3 papers transferred at the value of 100 each. B was next preference on two of these papers and E on one, and the papers are transferred accordingly. The value to be transferred is 16 per paper, *i. e.*, the surplus (49), divided by the number of the unexhausted papers (3). B accordingly receives 32 and E 16.

No other candidate having reached the quota, the process of exclusion is proceeded with, and F, who is now lowest with 840, is excluded.

His seven original votes are transferred first. B, D and E are next preference on three, two and two papers, respectively, and receive respectively 300, 200 and 200.

The transferred votes are next transferred in the order of their transfers to F. The 3 votes received at the value of eight each at the distribution of H's surplus are transferred at the same value to L who was next preference on all 3 papers. The vote valued at sixteen received by F at the distribution of K's surplus, goes at the same value to M, who was next preference on each paper. The vote transferred at the value of 100 on the exclusion of N is then transferred at the same value to D, who thus receives a total of 300.

No continuing candidate having yet reached the surplus, M, who is now lowest with 1016, is excluded.

His ten original votes are transferred first. B and D are first preference on three papers each, and E and L on two each. B and D accordingly receive 300 each, and E and L 200 each. This brings B, D and E above the quota, and they are declared elected. The requisite number of candidates having now been elected, the election is at an end, and it is unnecessary to proceed to the transfer of M's transferred votes.

Full details are shown in the result sheet.

Value of votes 14,000.

RESULT SHEET.

Quota 14,000/8+1=1,751.

Names of candidates.	Value of votes at first count.	Distribution of H's surplus.	Result.	Distribution of votes of G. and O.	Result.	Distribution of votes of J and P.	Result.	Distribution of K's surplus.	Result.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
A	1,200	...	1,200	+200	1,400	+100	1,500	...	1,500
B	800	+56	856	+100	956	+100	1,056	+16	1,072
C	600	...	600	...	600	...	600	...	600
D	900	+32	932	+100	1,032	+100	1,132	...	1,132
E	1,000	+32	1,032	+100	1,132	+100	1,232	...	1,232
F	700	+24	724	...	724	...	724	+16	740
G	400	...	400	—400	...	...	...	—	—
H	1,900	—149	1,751	...	1,751	...	1,751	...	1,751
I	1,800	...	1,800	+200	1,500	+200	1,700	+16	1,716
J	500	...	500	...	500	—500	...	...	...
K	1,400	...	1,400	+100	1,500	+300	1,800	—49	1,751
L	800	...	800	...	800	+100	900	...	900
M	1,000	...	1,000	...	1,000	...	1,000	...	1,000
N	600	...	600	...	600	...	600	...	600
O	400	...	400	—400	...	...	...	...	...
P	500	...	500	...	500	—500	...	...	...
Loss of value by neglect of fractions	...	+5	5	...	5	...	5	+1	6
Total ...	14,000	...	14,000	...	14,000	...	14,000	...	14,000

RESULT SHEET—(contd.)

Distribution of votes of C and N.	Result.	Distribution of surplus of I and A	Result.	Distribution of F's votes.	Result.	Distribution of M's votes.	Result.	Result of Election.
(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)
+300	1,800	—49	1,751	...	1,751	...	1,751	Elected
+200	1,272	+32	1,304	+300	1,604	+300	1,904	do.
—600	...	...	...	...	...	...	...	Not elected
+200	1,332	+65	1,397	+300	1,697	+300	1,997	Elected
+200	1,432	+16	1,448	+200	1,648	+200	1,848	do.
+100	840	...	840	—840	...	...	...	Not elected
...	...	...	...	...	...	...	...	do.
...	1,751	...	1,751	...	1,751	...	1,751	Elected
+100	1,816	—65	1,751	...	1,751	...	1,751	do.
...	...	...	...	...	...	...	...	Not elected
...	1,751	...	1,751	...	1,751	...	1,751	Elected
+100	1,000	...	1,000	+24	1,024	+200	1,224	Not elected
...	1,000	...	1,000	+16	1,016	—1000	16	do.
—600	...	...	...	...	...	...	...	do.
...	...	...	...	...	...	...	...	do.
...	...	...	...	...	...	...	...	do.
...	6	+1	7	...	7	...	7	
...	14,000	...	14,000	...	14,000	...	14,000	

NOTIFICATION.

No. EL1-1116|52|Law.

Notification No. F. 26 (1)|52-C dated the 15th March 1952 issued by the Ministry of Law, Government of India, and published in the Gazette of India Extraordinary, Part II, Section 3, dated 15th March 1952, is republished for general information.

By order of His Highness
the Raj Pramukh,

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

Government Secretariat,
Law Department,
Election Saction, Trivandrum.
19th March 1952.

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION.

New Delhi, the 15th March 1952.

S. R. O.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951, (XLIII of 1951), the Central Government, after consulting the Election Commission, hereby directs that the following further amendments shall be made in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, namely :—

1. In Rule 72 of the said Rules, for the figures '82' the figures and letter '82C' shall be substituted.

2. After Rula 82B of the said Rules, the following Rule shall be inserted, namely :—

"82C. *Voting by electors subjected to preventive detention.*

(1) An elector may, if he is subjected to preventive detention under any law for the time being in force, give his vote by postal ballot at any election to which the foregoing provisions of this Chapter apply.

(2) The provisions of Rules 73 to 82B shall not be applicable, but Rules 84 to 89 shall apply, in relation to voting by the electors authorised under sub-rule (1) to give their votes by postal ballot at any such election".

3. In sub-rule (2) of Rule 83 of the said Rules, for the figures "82", the figures and letter "82C" shall be substituted.

4. For clause (b) of sub-rule (2) of Rule 95 of the said Rules, the following clause shall be substituted, namely: —

"(*b*) in other cases, open the ballot boxes and also the covers received by him under Rules 39 and 41 before 5 P. M. on the date referred to in sub-rule (2) of Rule 39 or received by him not later than the day and hour referred to in sub-rule (2) of Rule 85, as the case may be."

(No. F. 26 (1)| 52-C.)

S. N. MUKERJEE,
Joint Secretary.

NOTIFICATION.

No. EL1-559|52|Law.

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Government Secretariat,
Law Department,
Election Section,
Trivandrum,
20th March 1952.

By order of His Highness
the Raj Pramukh,

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ELECTION COMMISSION,

INDIA.

New Delhi-1, 17th March 1952.

NOTIFICATION.

No. 29|52-Elec. III—In exercise of the powers conferred by Rule 86 of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951, read with Rule 82C of the said Rules, the Election Commission hereby notifies that the Superintendent of a jail or the Commandant of e detention cemp may also ettest the signature of an elector who is under detention in such jail or detention camp on e postal ballot paper in respect of an election to the Council of States by the elected members of the Legislative Assembly of any State or, es the case may be, by the members of an Electorel College in eny part C State or Group of such States.

(Sd.) P. S. SUBRAMANIAN,
Secretary.

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